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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,816	03/22/2001	Alejandro Wiechers	10003930-1	6165

7590

02/16/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/816,816	Applicant(s) WIECHERS ET AL.	
	Examiner Doug Hutton	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,3,4,6-17 and 19-36.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____
 13. ☒ Other: See Continuation Sheet.


 Doug Hutton
 Primary Examiner
 Art Unit: 2176

Continuation of 11. does NOT place the application in condition for allowance because:

Rejections based on Sturgeon:

Applicant argues that Sturgeon fails to disclose "determining that the scanned page was not properly aligned for scanning" because the recited "alignment" does not include any correspondence between registration characteristics. See Response -- Page 9, last paragraph. The examiner disagrees.

As pointed out in the Office Action dated 10/31/2005, the entirety of Claim 23 reads:

A method for providing information corresponding to a scanned document, comprising:

- enabling selection of a characteristic of a page of the document;
- scanning a page of the document;
- reviewing the scanned page for the selected characteristic; and
- based on the act of reviewing, determining if the scanned page is properly aligned for scanning. (emphasis added)

When the claim is read in its entirety, the determination of whether the scanned page is properly aligned is based on the act of reviewing the scanned page for the selected characteristic. As explained in the rejection for Claim 23 set forth in the Office Action dated 10/31/2005, the examiner interprets the phrase "characteristic of a page" (Line 3) to include the page number. This interpretation corresponds to the present invention, as set forth in the Office Action under the Response to Arguments for Claim 23.

Applicant's argument solely considers the phrase "determining if the scanned page is properly aligned," without considering the other limitations of the claim. As indicated in the rejection of Claim 23 and the Response to Arguments set forth in the Office Action dated 10/31/2005, when the claim is read in its entirety, the claim reads on the disclosure of Sturgeon.

Rejections based on Liu:

Applicant argues that Liu fails to disclose "margins" because the five layout attributes disclosed in Liu do not include margins. Applicant also argues that margins are not "inherent" in Liu. Finally, Applicant argues that the "overlapping regions" disclosed in Liu include "line and text statistics" and are therefore not "margins" because margins are typically empty space. See Response -- Page 11, first and second full paragraphs.

The examiner disagrees.

Firstly, in response to Applicant's arguments that margins are not "inherent" in Liu, the examiner notes that the rejections do not assert that Liu inherently discloses margins.

Secondly, in response to Applicant's argument that the five layout attributes disclosed in Liu do not include margins, the examiner points out that "margins" are disclosed in Liu, as indicated in the rejection for Claim 1 and the Response to Arguments set forth in the Office Action dated 10/31/2005.

Thirdly, in response to Applicant's argument that the "overlapping regions" disclosed in Liu include "line and text statistics" and are therefore not "margins" because margins are typically empty space, the examiner points out that lines of text in a text document typically are of varying lengths and thus slightly extend into the margins of the document. As indicated in the Response to Arguments set forth in the Office Action dated 10/31/2005, the "margin" limitations recited in the claims read on the "overlap area" disclosed in Liu.

Continuation of 13. Other: The amendments to Claims 23, 28, 30 and 35 overcome the objections previously set forth..